

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4789
(8:17-cr-00242-PWG-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOVON LOVELLE MEDLEY

Defendant - Appellant

O R D E R

On August 21, 2020, a panel of this court issued an authored published opinion in this case holding that *Rehaif* errors affecting appellant's indictment and jury instructions violated his substantial rights and affected the fairness, integrity, and public reputation of judicial proceedings such that he was entitled to plain-error relief on those unpreserved claims. *United States v. Medley*, 972 F.3d 399, 415-19 (4th Cir. 2020) (citing *Rehaif v. United States*, 139 S.Ct. 2191 (2019)). On November 12, 2020, we granted rehearing en banc. *United States v. Medley*, 828 F. App'x 923 (4th Cir. 2020). On January 14, 2021, the court placed this case in abeyance pending

a decision by the Supreme Court in *Greer v. United States*, No. 19-8709.

The Supreme Court issued its opinion in *Greer* on June 14, 2021, holding that the appellant was not entitled to plain-error relief for his unpreserved *Rehaif* claim. *Greer v. United States*, 141 S.Ct. 2090 (2021). The factual circumstances of the instant case and the legal arguments advanced by appellant here are substantially similar to those presented in *Greer*. Accordingly, our holding here must be dictated by the Supreme Court's holding in *Greer*.

We hold that appellant is not entitled to plain-error relief for his unpreserved *Rehaif* claim, and we affirm the judgment of the district court with respect to this issue. We remand this case to the panel originally assigned to hear this case for consideration of the remaining issues presented.

Entered at the direction of Chief Judge Gregory for the en banc court.

For the Court

/s/ Patricia S. Connor, Clerk